IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED S	TATES OF AMERIC	CA,) 0.446B402	
Plaintiff,) 8:11CR402)	
VS.) DETENTION O	RDER
KEITH KR	EBSBACH,			
	Defendar	nt.	}	
After w Act on	For Detention aiving a detention had been been 21, 201 at to 18 U.S.C. § 3	1, the Court orde	to 18 U.S.C. § 3142(f) rs the above-named d	of the Bail Reform efendant detained
3. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.				
The Cocontain	ned in the Pretrial S (1) Nature and circ X (a) The metham carries a maximum carries	ervices Report, as cumstances of the crime: the post phetamine (Count a minimum sented most forty years phetamine (Count a maximum sented ense is a crime of ense involves a nace	session with inte t III) in violation of 21 ence of five years im irs imprisonment; th t II) in violation of 21 ince of twenty years im violence.	ng: nt to distribute U.S.C. § 841(a)(1) prisonment and a le distribution of U.S.C. § 841(a)(1) prisonment.
X	(3) The history and (a) General TX X X X X X X X X	d characteristics of Factors: The defendant appropriate the defendant has the defendant has the defendant of the defendant of the defendant has the defendan	as a history relating to as a history relating to as a significant prior cr nas a prior record of fa	ing: cal condition which ppear. area. ent. cial resources. at of the community. drug abuse. alcohol abuse. iminal record.

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(b) At the time of the current arrest, the defendant was on: Probation
Parole Release pending trial, sentence, appeal or completion of sentence.
(c) Other Factors: The defendant is an illegal alien and is subject to deportation.
The defendant is a legal alien and will be subject to deportation if convicted.
The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment.
X (5) Rebuttable Presumptions
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. §
3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably
assure the appearance of the defendant as required and the safety
of any other person and the community because the Court finds that the crime involves:
(1) A crime of violence; or
(2) An offense for which the maximum penalty is life imprisonment or death; or
X (3) A controlled substance violation which has a maximum
penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two
or more prior offenses described in (1) through (3)
above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above
which is less than five years old and which was
committed while the defendant was on pretrial release.
 X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
of the community because the Court finds that there is probable
cause to believe:
X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of
10 years or more.
(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and
in relation to any crime of violence, including a crime of
violence, which provides for an enhanced punishment
if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

4. The defendant shall obtain a substance abuse evaluation of the defendant and provide a copy to the court and counsel. Thereafter any party may file a motion to review detention.

DATED: December 21, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge